

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ELAINE L. CHAO, Secretary of  
Labor, United States Department of  
Labor,**

**Plaintiff,**

**vs.**

**MARVIN J. CHARIPAR,**

**Defendant.**

**8:06CV295**

**ORDER**

By previous order of the court, the defendant, Marvin J. Charipar, was given until September 11, 2006 to serve an answer to the complaint or to serve a motion under Fed. R. Civ. P. 12 (b), 12 (e), or 12 (f). On September 11, the court received a fax<sup>1</sup> addressed to the plaintiff. It does not appear that the defendant sent the fax to plaintiff's counsel.

This court does not accept filings by fax, and the summons served on the defendant clearly advised the defendant that he was to file his answer with the Clerk of the Court.

Upon review of the court file,

**IT IS ORDERED:**

1. Defendant, Marvin J. Charipar, is given a further extension of time to **Monday, September 25, 2006**, to file a written answer or other written response to the Complaint. This is a final extension of time.

2. Defendant shall file his written answer or response to the Clerk of the Court at the following address:

Clerk of the United States District Court  
111 South 18th Plaza  
Suite 1152  
Omaha, NE 68102

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<sup>1</sup>A copy of the fax is attached to this Order.

The defendant may contact the Clerk's Office by telephone at (402) 661-7350, or toll free at 866-220-4381, between the hours of 8:00 a.m and 4:30 p.m. if he needs further information about how to file documents with the court.

3. Rule 5 of the Federal Rules of Civil Procedure requires that the defendant serve copies of pleadings, motions, or other documents filed by him on opposing counsel, together with a Certificate of Service. In this district if the defendant properly files a document with the Clerk, opposing counsel will receive notice of the filing through the court's electronic filing system (the CM/ECF System). Accordingly, the Rule 5 requirements will be satisfied if the defendant includes a Certificate of Service in substantially the following form:

I hereby certify that on [ date ], I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system, which will send notification of such filing to opposing counsel:

Susan J. Willer  
U.S. Department of Labor, Office of the Solicitor  
1100 Main Street  
Suite 1210, City Center Square  
Kansas City, MO 64105  
(816) 426-6441  
Fax: (816) 426-2500  
Email: Willer.Susan@DOL.gov

**DATED September 12, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**

FAX COVER SHEET

Columbus Irrigation, Inc.

4015 So. 9<sup>th</sup> Street

Columbus, NE 68601

Telephone: (402) 270-2865 or (402) 270-3095

Fax: (402) 564-1696

Date: 9-11-06 Total # of Pages: 3

Claine L. Chao  
Secretary of Labor  
U.S. Department of Labor  
Case # 8:06-CV-00295-FEL 3  
From: Defendant:

Murray J. Chapman  
333 - 63<sup>rd</sup> Ave  
Columbus, Ne. 68601

Please Let me know by phone  
402-270-2865 or FAX  
402-564-1696 that  
you've received this fax.

Thank you

2:45 P.M. I am faxing this again I thought I  
failed to the right box the first time I'll  
fax it again 402-661-7338

[Signature]  
Sent By:

Please Acknowledge

[Signature]

Case: 8:06-CV-00295-FJZ

Document # 8-1

In regards to order # 8:06CV295

Elaine S. Chao Secretary of Labor  
United States Department of Labor

Plaintiff  
Marvin J. Champion  
Defendant

In Answer to your extension  
letter to me dated August 14, 2006.

I can not afford an attorney  
so I am answering your order  
my self.

I know its too late now but  
when we inquired about setting up  
a 401K plan for the employees it  
was suppose to help retain them  
for long term employment. I  
questioned the representative about the  
fact that after the employee is  
fully vested I think its called "they  
would or could quite & use the  
money to do something else like  
become our competitors. In  
some cases thats just what happened.

Now the employees have the government to help them make me personally pay this. Because the Company Columbus Irrigation Inc. was foreclosed upon Jan 1 - 2006. I have worked for the party that took over & I am paid on a Commission basis.

At this time there is no thing to sell so I have no income.

I in 180 days or sooner, when I know what I can do or am doing, I would set up an agreement to pay what ever I can afford at that time if in fact I am personally liable for this.

Please let me know what can be worked out.

Sincerely  
 Marking Chapin  
 333-7632 Apt  
 Columbus, NE 68601

TRANSACTION REPORT

SEP-11-06 MON 1:55 PM

FOR IRRIGATION SALES

4025641696

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE
SEP-11	1:55 PM	1-5168.7338	2'05"	3	SEND	OK

Please Let me know you  
Received this, for.

time sensitive

Thank you

402-270-2865  
on FAX

402-564-1696